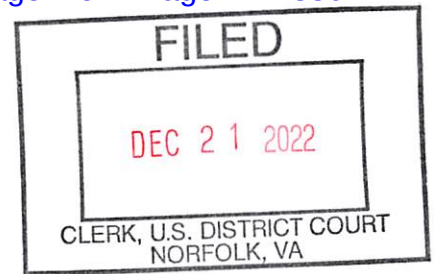


UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division



CSX TRANSPORTATION, INC.,
individually and on behalf
of Norfolk & Portsmouth Belt
Line Railroad Company,

Plaintiff,

v.

Civil No. 2:18cv530

NORFOLK SOUTHERN RAILWAY COMPANY,
NORFOLK & PORTSMOUTH BELT LINE RAILWAY
COMPANY,

Defendants.

ORDER

This matter is before the Court on motions for summary judgment filed by Defendants Norfolk & Portsmouth Belt Line Railway Company ("NPBL") and Norfolk Southern Railway Company ("NSR"). A jury trial is currently scheduled to commence on January 18, 2023. On December 1, 2022, the Court conducted a hearing on the pending motions. Shortly after the hearing, and the parties efforts to orally address the Court's questions about injunctive relief, the Court issued an order requesting additional briefing on the issue of injunctive relief. ECF No. 535. The Court has received and considered such briefs, ECF Nos. 541, 542, and 543, and finds that additional briefing is appropriate.

First, the Court finds that it is appropriate to allow each party an opportunity to respond to the arguments made by the other

parties in the supplemental briefs filed last week. Second, and of equal importance, the Court finds it appropriate to provide the parties the opportunity to address laches, and how the relevant legal analysis is similar, or different from, the limitations issues that have long been at issue in this case and were discussed at length during oral arguments on the respective summary judgment motions. In particular, the Court is interested in the relevance of laches to the claim for injunctive relief if the Court were to find that the record revealed the absence of evidence that NSR improperly used its majority interest on the NPBL board during the last ten years.

Counsel shall file simultaneous briefs, not exceeding fifteen pages, on the above-referenced issues no later than **noon on Tuesday, December 27, 2022.**

IT IS SO ORDERED.

/s/ 

Mark S. Davis
CHIEF UNITED STATES DISTRICT JUDGE

Norfolk, Virginia
December 21, 2022